

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JEREMIAH O'NEAL and CINDY L.  
BUCKLES,

Plaintiffs,

v.

JAMES HARDIE BUILDING  
PRODUCTS, INC.,

Defendant.

CASE NO. 3:20-cv-05168-BHS-MLP

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable Michelle L. Peterson, United States Magistrate Judge, Dkt. 45. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Plaintiffs Jeremiah O'Neal and Cindy L. Buckles' Motion for Partial Summary Judgment, Dkt. 36, is **DENIED**; and
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Peterson.

1 Dated this 30th day of August, 2022.

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4 BENJAMIN H. SETTLE  
5 United States District Judge  
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